

Steven L. Beshear
Governor

Leonard K. Peters
Secretary



Environmental Quality Commission

58 Wilkinson Boulevard
Frankfort, Kentucky 40601
Phone (502) 564-2674 Fax (502) 564-2676
E-mail: EQC@ky.gov
www.eqc.ky.gov www.kentucky.gov

Scott Smith, Chair, *Lexington*
Gordon Garner, Vice-Chair, *Prospect*
Andrew Ernest, *Bowling Green*
Laura Knoth, *Grand Rivers*
Kimberly McCann, *Ashland*
Stephanie McSpirit, *Richmond*
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**KENTUCKY ENVIRONMENTAL QUALITY COMMISSION
PUBLIC FORUM**

Meeting Minutes

November 18, 2008
Kentucky State University
Frankfort, Kentucky

EQC Commissioners Present

Scott Smith, Chair
Gordon Garner, Vice Chair
Andrew Ernest
Kim McCann
Stephanie McSpirit
Laura Knoth

EQC Staff Present

Arnita Gadson, Executive Director
Johnna McHugh, Director of Operations
LaTisha Barnett, Executive Secretary

Speakers/Representatives Present

Adventure Tourism Discussion:
Mona Juett – Tourism, Arts, and Heritage Cabinet
Hugh Archer – Kentucky Natural Land Trust
Bill Burger - Adventure Tourism

Mercury Issues in Kentucky:
Vera Kornylack - EPA, Region 4
David White – EPA, Region 4
Brandi Jenkins – EPA, Region 4
Joel Hansel – EPA, Region 4
John Lyons - DAQ
John Brumley – DOW
Eric Eisiminger – DOW
Guy Delius - CHFS
Larry Taylor - EEC

Others:
Richard Brewer
Pat Burks



Rick Clevett
Mike Hannon
Lois Kleffman
David Loveless
Aaron Keatley
Peter Goodman
Ron Price

The Environmental Quality Commission (EQC) held a public forum on November 18, 2008, with 24 people in attendance at four videoconferencing sites, including Kentucky State University (KSU), Western Kentucky University (WKU), Eastern Kentucky University (EKU) and Murray State University (MSU). The meeting was called to order at 6:00 p.m.

Executive Director Arnita Gadson began the meeting welcoming everyone to the forum. She introduced the EQC staff: Johnna McHugh, Director of Operations, and LaTisha Barnett, Executive Secretary. Then Executive Director Gadson turned the floor over to Commission Chairman Scott Smith to introduce the Commissioners. Commissioners in attendance at the KSU site were Vice Chairman Gordon Garner, Stephanie McSpirit, Andrew Ernest and Kimberly McCann. Commissioner Laura Knoth participated in the forum from the MSU site.

Commissioner Smith asked for a motion to approve the minutes from the public forum held on September 25, 2008. A motion to approve the minutes was made by Commissioner McCann and seconded by Commissioner Garner. The motion was passed unanimously. Commissioner Smith then opened the floor for public comments.

PUBLIC COMMENTS:

Richard Brewer, Director of Environment and Energy Affairs for Duke Energy Kentucky, addressed the topic of mercury emissions from coal fired power plants on behalf of the Utility Information Exchange of Kentucky (UIEK) of which he is the current chairman. UIEK is a voluntary ad hoc committee whose purpose is to educate its membership on environmental issues, share best management practices and serve as a point of contact for interaction with regulatory agencies.

Mercury emissions from Kentucky's coal fired power plants have been decreasing since 1990 and will continue to decrease despite the Clean Air Mercury Rule (CAMR) being vacated and Kentucky subsequently repealing the state program.

Since the 1990 Clean Air Act Amendments, additional emission controls have been installed on Kentucky's coal fired power plants for control of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions that also have that co-benefit of reducing mercury emissions. In 2000 U.S. EPA announced its intent to regulate coal-fired utility boilers for mercury emissions. In 2005 U.S. EPA issued both the Clean Air Interstate Rule (CAIR, cap and trade programs to reduce SO₂ and NO_x) and CAMR to reduce mercury emissions in conjunction with the controls required under CAIR. The U.S. Court of Appeals for the DC Circuit issued a decision that vacated the CAMR and rendered the Kentucky program void. As a result, the Kentucky Division for Air Quality has repealed their program. The court decision places coal fired boilers on the list of sources for which U.S. EPA must promulgate regulations to implement Maximum Achievable Control Technology.

The current technology used to control mercury emissions at large base load eastern bituminous coal fired units is a combination of wet Flue Gas Desulfurization system and Selective Catalytic Reduction unit. Some smaller units have utilized bag houses with activated carbon injection to control particulates and mercury specifically, but this technology has not been commercially utilized on larger units until recently. The vast majority of the coal fired units in the state already have one or more of these control technologies deployed or planned to comply with Phase 1 of CAIR and will likely be adding more controls to comply with Phase 2 of CAIR by 2015. Vendors are producing more ways to control mercury emissions from utility boilers, but none have yet emerged as commercially available for large scale operations over long periods.

Pat Banks, the Kentucky River Keeper (Artist, Mother, and Teacher), also spoke on the issue of mercury. Kentucky is 6th in the nation for the highest level of mercury. Power plants cause a lot of mercury emissions and coal combustion. Many people do not believe the fish they are catching are contaminated, but mercury causes health problems especially in our children. All our waters are affected. New technology is making it easier to reduce mercury emissions. Wisconsin, for example, is making a commitment to reducing emissions. Kentucky should invest in our health – our power should be hydroelectric and/or wind.

Rick Clewett from the Sierra Club discussed Adventure Tourism. The Adventure Tourism initiative in Kentucky has several facets. In part it is an advertising or “branding” campaign designed to get increased publicity for outdoor recreational opportunities in the state. In part, it is an effort to create a coordinated set of horse and ATV trails that will span the state.

The Fletcher administration began this initiative in 2007, commissioning a study by Pros consulting. At the same time, various county judge executives and local groups in Eastern Kentucky were busy trying to create new ATV trail systems – the largest of these being the skyward trail system which proponents hoped would eventually include 2,000 miles of trails.

Some of these trails were built on more-or-less reclaimed mountaintop removal (MTR) sites, and the issue of ATV trails has unfortunately been connected by some with the promotion of mountaintop removal. If horse or ATV trails are well designed and built on post-mining MTR sites, this can be a reasonable use of the land, depending on the circumstances. However, according to Clewett, it is without foundation to claim that more MTR needs to be done for the sake of more flat land, let alone more flat land for the sake of building ATV trails.

Having talked with some number of administrators in state government tasked with protecting the state's wildlife preserves, conversation areas, etc., the Sierra Club believes that certain parties have exerted pressure to get trails built quickly, before environmental impact and archeological studies have been done, and to have trails built on areas where such use is not permitted by policy or the conditions under which the land was given to the state. It is the Sierra Club's impression that, as the Kentucky Recreational Trails Authority has geared up and begun to function, and in response to public expression of concern on these topics, the rush for hasty trail construction has begun to give way to better considered and more orderly planning and execution.

The Sierra Club believes that, particularly in these times when money is so tight, there will be a temptation to try to build "on the cheap," but poor quality and unpatrolled trails will backfire, damaging the environment while turning off potential users.

The Sierra Club feels that it is important that the current surge of interest in ATV and horse trails not exert undue influence on the state's advertising or on the state's use of its limited funds. Hiking, boating, climbing, animal and habitat study and identification, fishing, hunting and many other activities are also important ways in which people recreate in the more natural areas of the state. They are all potential sources of enjoyment and meaning for participants and economic development opportunities for the state.

Mike Hannon of Kentucky Environmental Foundation (KEF) also discussed mercury from the EKV video conferencing site. KEF has been working since 1991 to ensure the chemical weapons destruction at the Bluegrass Army Depot is conducted in a manner that does not release toxics into our air. Hannon wanted to address another mercury threat to central and eastern Kentucky and that is the East Kentucky Power Coal Proposed Smith Power plant. In addition to working with KEF, Hannon is a Madison County resident, a retired supervisor for the Kentucky Division for Air Quality, a father, a grandfather and fisherman. KEF is deeply concerned about the health impacts from the Smith unit. In Kentucky, power plants are the largest source of unregulated mercury emissions. Studies have shown that a small amount of mercury can do significant harm to fetuses and children. Hannon mentioned a report called 'A Portfolio of Energy Efficiency,' which is available electronically. He would like the EQC to support

this effort. In this case the solution is aggressive energy efficiency and renewable energy programs that will not contribute to mercury contamination, but will strengthen electric co-ops at a time when the cost of coal to them and to customers are rising and continue to rise. Hannon asked the EQC to do what they can to call for safer, cleaner solutions to mercury polluting, coal fired power plants, such as the Smith unit.

Lois Kleffman also spoke on behalf of the KEF at the ECU site, stating that she is also against the Smith Coal Fired Power Plant. She believes the Smith Power Plant is unnecessary. She feels it's economically unsound since coal is getting more expensive, and the construction of the plant is environmentally unsound. She stated that Kentucky certainly does not need any more pollutants in its water and air - especially not mercury. She reiterated what Mr. Hannon said that studies are showing that the closer our children live to these plants the more harm is done to them. She asked that the EQC do what they can to prevent this if there is something the EQC can do. There are energy efficiency programs. There are alternative renewable energy sources that can be used. Solar energy is expensive but it may be an option to reduce mercury emissions. And the prices will go down.

Aloma Dew of the Sierra Club e-mailed comments on mercury to the EQC office and asked that they be included in the records for the meeting. Mercury in the waterways of Kentucky is a major health problem. But it is one that could be corrected now with proper emission controls and regulations. Every stream in Kentucky has a fish consumption advisory because of the amount of mercury in the water. However, this is not widely known and few if any streams are marked with warnings. Although we are exposed to mercury from other sources as well, the most common is through eating contaminated fish.

Our concentration of coal fired power plants results in the release of mercury when the coal is burned; being a heavy metal, it falls near the source and, becomes methyl mercury (which is toxic) when it mixes with water. Mercury burned at power plants release mercury into the air; it falls in rain and enters our rivers and streams. As the mercury goes through the food chain from plants and small organisms in the water to fish and water fowl. Humans are then affected when they eat the fish or water fowl. We know that mercury had been found in dead eagles. We know the effect it has on fetuses and small children, whose brains are developing until adolescence.

Mercury can cause cognitive and developmental damage – loss of IQ points, behavioral problems. Pregnant women and nursing mothers are warned to limit their fish consumption because of the unsafe mercury levels in the water. It is estimated by the EPA that 630,000 babies are born annually with unsafe levels of mercury in their blood.

By not adequately controlling and regulating mercury emissions, we are putting our most vulnerable population at risk – our children. This translates into economic loss and societal loss as well. In Kentucky, going fishing and eating your catch is a tradition that should be safe and we can make it safe once again if we have the will and determination.

It has also been shown that middle-aged men with high mercury levels are more susceptible to coronary heart disease and that the mercury offsets the advantage of omega-3 fatty acids in the fish. In Kentucky, because of the large number of coal fired power plants without adequate emission controls, we are playing a dangerous game with our future, with the health and well-being of our citizens, and with the environment and with many species upon which we ultimately depend. There are many other diseases which may have a connection to mercury contamination, but we know what it does to children, we know it is a coronary disease risk, so there is no excuse not to act now.

The present federal administration approved a plan in 2005 which allows plants to emit three times the amount of mercury pollution into our air for decades longer than the Clean Air Act allows. We need strong enforcement of the Clean Air Act to protect Kentuckians.

PRESENTATIONS:

Mona Juett, of the Tourism, Arts and Heritage Cabinet, made a presentation on adventure tourism. Also with her were **David Loveless** and **Bill Burger**. Adventure tourism can be defined as an activity that includes two of the following three components: a physical activity, a cultural interaction and engagement with nature.

There is high interest in adventure tourism. The Kentucky Recreational Trails Authority (KRTA) was created in 2005 by Executive Order. Later, Senate Bill 196 called for the expansion of the KRTA to a 23 member Authority. KRTA is attached to the Kentucky Tourism, Arts and Heritage Cabinet. .

The focus of the program is to promote more recreational activities for Kentucky and to enhance Kentucky's economy by expanding opportunities for outdoor and trail activities, including hiking, biking, horseback riding, ATV's, rock climbing and nature study.

The KRTA is working to grow the program. They are designing a proper plan to increase recreational trails in Kentucky and reviewing a possible program for funding and a coordinated effort to maintain and develop trails. They are developing a project to train and educate the public and land owners on all aspects of recreational trails to increase public's awareness of Kentucky's adventure tourism opportunities.

They are developing uniform signage on highways and trails and reviewing a possible incentive program for landowners who wish to participate in the recreational trails program. They are also developing a site to encourage participation in adventure tourism that allows the public to find specifics on activities and locations. They are reviewing the current situation of ATV's and will make recommendations to decrease trespassing. The Web site is www.kyunbridledadventure.com.

The GIS tool on the Web site can be found at <http://kygeonet.ky.gov/crosskytrail/>. Bill Burger explained that the idea was to get an inventory of the trails across the Commonwealth for recreational type uses. There are some issues, but the information is the most recent and is available for public use.

Ms. Juett said the future of adventure tourism is very promising. The director, who was not present at the meeting, is Matt Osborne. Matt Osborne's contact information is 502-564-8110 ext. 415 or matt.osborne@ky.gov.

David Loveless addressed the master plan. The board has been meeting for about three months now. He invited the EQC to attend the meetings if the commissioners would like to do so.

The commissioners asked questions about issues with ATVs, standards, guidelines, the setup of the KRTA, endangered species and incentive programs for land owners. Ms. Juett, Mr. Burger and Mr. Loveless answered the commissioners questions.

Hugh Archer of Kentucky Natural Land Trust addressed adventure tourism. He described the incorporation of the Pine Mountain Trail Conference and their work. The Kentucky Natural Land Trust's concerned with trail development is that without maintenance, enforcement, and overall planning, trails will be used inappropriately. Kentucky needs to take precaution, and all actions need to be thought out carefully.

Joel Hansel of EPA discussed mercury. He was joined by Vera Kornylak, David White, and Brandi Jenkins from EPA Region 4 by telephone.

WATER QUALITY CRITERIA

- New fish tissue residue criteria
- 0.3mg/kg
- Based on fish consumption rate of 17.5g/d (National default)
- Still developing implementation guidance

NPDES PERMIT LIMITS

- Developed Method 1631e (New low level detection method)
- Required for all permits with reasonable potential

- Able to determine compliance with existing criteria

303(d) LISTING

- Impaired waters
- Category 5m
 - Comprehensive mercury reduction program in place
 - Implement regulatory and non-regulatory controls
 - Identify water bodies in the state impaired by atmospheric mercury and sources of the same

TMDL's

- Pollution budget – how much can it take before it gets too full
 - WLA (waste load allocation) + LA (load allocation) + MOS (margin of safety)
- Minnesota Statewide – not really dealing with TMDL's – said we expect these things to happen – but they do have a lot of controls
- Northeastern US proposal – a lot of controls in states, but it doesn't target the most sensitive end point.
- Statewide TMDL Checklist
- Georgia TMDL's – site specific, not statewide

CONCLUSION

- Addressing mercury through a number of efforts (New criteria, permits, TMDL's)
- Number of ways to address TMDL's
- Each jurisdiction should consider all available information and consult with EPA when moving toward any of the TMDL based solutions

The commissioners asked questions about TMDL's modeling components, coal fired units, new and old facilities, the Georgia case by case study, and other related issues. Ms. Kornylak, Mr. White, Ms. Jenkins and Mr. Hansel provided information to answer these questions. They informed the commissioners of the CAA's mechanisms for regulating Hazardous Air Pollutants (HAPs). CAMR is from Section 111, but has been vacated. A Supreme Court petition is pending on this issue. Mercury has started being monitored. The results from this monitoring will be available January 2009. The case by case approach in Georgia was triggered by a lawsuit that was filed because the state hadn't done TMDLs. The CAA and CWA do not allow for TMDLs to cover air issues.

John Lyons of the Division for Air Quality (DAQ) discussed the DAQ Mercury Monitoring Network. The Mercury Network started with one continuous monitor and one deposition monitor from 2000-2004. The EQC recommended strengthening testing and analysis of mercury and the environment in 2004. Currently there are six continuous monitors and three deposition monitors as of 2007. Future additions include two depositions in 2008 and one deposition in 2009.

In October 2006, a site agreement was signed between the University of Louisville and the Environmental and Public Protection Cabinet called the MPH Student Practicum. Initial thoughts were to correlate mercury data to environmental problems. Questions that came to light were; who has mercury data, and what is the quality of the mercury data. The project became a catalog of mercury data in Kentucky.

The National Atmospheric Deposition Program (NADP) has expanded its sampling to include mercury deposition. The Mercury Deposition Network (MDN) currently has over 90 sites. Samples are analyzed by Frontier Geosciences for total mercury.

In October 2008, in accordance with 319(g) of the Clean Water Act, New England states and New York state filed a petition for the administration to address water bodies impaired by atmospheric deposition. The Petitioning States are requesting an Interstate Management Conference of all the states contributing to the non-point source of mercury. Approximately 48% of the atmospheric mercury deposition in the Petitioning States originated from states outside of their region. Kentucky, according to the US sources in 2002, is listed as contributing 1.2% of atmospheric mercury in the Petitioning States.

Participating in the NADP/MDN Program would improve data and sample analysis, quality assurance and provide partnerships. Mercury monitoring is not funded through federal criteria pollutant grants. Identify grant opportunities to participate in the Mercury Deposition Network (MDN). Work with future university students to study the impact mercury has on Kentucky's environment.

March 15, 2005 – CAMR was signed

February 8, 2008 – CAMR rule vacated by the courts

September 12, 2008 – Effective date for the repeal of 401 KAR 60:020, Mercury Budget Trading Program

October 17, 2008 – US Department of Justice appealed to the US Supreme Court to overturn the vacated CAMR. Division is moving forward with state specific mercury rules.

In conclusion, mercury monitoring has strengthened from 1 Tekran 2537A and 1 Aerochem deposition monitor into an established monitoring network. Monitoring methods are improving and quality data is being achieved. The Division is seeking partnerships for data analysis. We are developing state specific rules for controlling mercury emissions.

Commissioner Knoth: Isn't there a no more stringent requirement for Air?

Mr. Lyons: There are caveats. It can be more stringent especially in the absence of CAMR.

Commissioner Ernest: If a TMDL was done for mercury and a determination was made that air sources needed to be regulated, where would that put the state?

Mr. Lyons: We have been asked if air toxic regulations can be used for this, but I don't know. Maybe someone in Water can answer this.

Bruce Scott: This is a concern.

John Brumley and **Eric Eisiminger** from the Division of Water, presented water quality monitoring criteria.

MERCURY IN FISH

- Mercury found primarily in muscle (fillets).
- Mercury is not reduced by cooking.
- Concentrations of mercury higher in fish at top of food chain (e.g. bass, walleye) than bottom feeders (e.g. suckers, crap, channel catfish)

FISH TISSUE MONITORING

- Purpose:
 - To determine if the aquatic life use is being met with respect to fish tissue contaminant levels and
- Parameters of Concern include mercury, polychlorinated biphenyls (PCB's), organ pesticides, and other heavy metals.
- Average number of stations collected per year: 60-70

FISH TISSUE MONITORING

- Location: Fish tissue monitoring stations are targeted based upon previously identified impairments, ambient station locations, significant fisheries and spill investigations.
 - Existing advisory stations (monitored at least every 3-5 years)
 - Ambient primary long-term watershed stations (monitored every 5 years)

FISH CONSUMPTION USE ASSESSMENT

- Water bodies with excessive amounts of mercury can be listed as partially or not supporting the fish consumption use.
- Fish Consumption Use Assessment Guidelines:
 - Support: 0.0 – 0.29 ppm
 - Partial Support: 0.30 – 1.00 ppm
 - Nonsupport: > 1.00 ppm

FISH CONSUMPTION ADVISORIES

- Advisory Groups:
 - General Public

- Sensitive Population – children and women who are pregnant or of child-bearing age
- Agencies Involved in Issuing Advisories
 - Kentucky Division of Water
 - Kentucky Department for Public Health
 - Kentucky Department for Fish and Wildlife Resources
- Based upon species/species groups: (ex. Black bass)
- Human risk-based
- Advisory parameters of concern
 - Mercury
 - PCB's

EXISTING Hg FISH CONSUMPTION ADVISORIES

- Statewide mercury for Sensitive Population (1 meal/week of all fish species)
- Metropolis Lake (McCracken Co.) PCB's and mercury
- Ohio River – species-specific advisories on multiple segments for multiple contaminants
- Knox Creek (Pike Co.) PCB's and mercury
- Lake Cumberland – Russell, Wayne, Pulaski and Clinton Co. (mercury)
- Guist Creek Lake – Shelby Co. (mercury)
- Fish Lake – Ballard Co. (mercury)
- Green River Lake – Adair and Taylor Co. (mercury)

CHANGES TO FISH TISSUE MONITORING STRATEGY

- In 2008 and 2009, DOW will collect black bass and catfish/drum tissue samples from a probabilistically chosen list of lake and big river sites throughout Kentucky.
- The reason for using this methodology is to determine if the statewide mercury advisory can be updated to reflect recent mercury trends.

CONCLUSIONS

- Mercury is a pervasive fish tissue contaminant throughout most of the U.S.
- Mean methyl mercury concentrations in fish tissue throughout the Commonwealth (lakes and streams) exceed 0.12 ppm.
- Certain species tend to bio-accumulate more methyl mercury than others.
- More fish tissue data needs to be collected in areas where low numbers of data points exist, so that mercury “hot spots” can be identified.

Commissioner Ernest: Is there a difference in the impairment process when dealing with fish tissue-based or physical/ chemical based analysis?

Mr. Eisiminger: If one composite sample is impaired, it is listed as impaired.

Guy Delius (CHFS) and **Larry Taylor** (EEC) gave an update on the Mercury Task Force report. Starting with the history of mercury in Kentucky they said the Department for Environmental Protection, Public Health, and Fish and Wildlife Resources have been working together for several years to collaborate on mercury. They jointly issued a statewide fish consumption advisory on April 11, 2000, based on mercury. Most recently an advisory update was issued on September 9, 2008, adding specific water bodies like Lake Cumberland.

Until 2002 the highest source was a chloralkali plant which is now using a different process. According to the 2006 Toxic Release Inventory, the primary sources in Kentucky are coal-fired power plants, lime, cement plants and chemical manufactures. There have been 112 mercury incidents since 2000 that required responses.

Other uses of mercury are trickling filters at WWTP's. 42 sites use trickling filters, but not all filters use mercury bearings. Natural gas transmission has mercury meters used at measuring stations. Households, businesses and other personal uses have mercury sources such as thermometers, medical instruments, light bulbs, dental offices, and school science labs.

The EQC met to discuss mercury in Kentucky on May 17, 2004, and the Commission issued 5 recommendations on August 18, 2004:

- Inform and educate the public on the risks of mercury in fish
- Target additional outreach efforts at high risk areas
- Strengthen testing and analysis of mercury in the environment
- Strengthen environmental health surveillance
- Reduce persistent, bio accumulative and toxic chemicals.

In response, the Mercury Task Force was established. It was comprised of representatives of Environmental Protection, Public Health, Parks, Tourism, and Fish and Wildlife. The first meeting was held on October 22, 2004. There they evaluated public education and outreach strategies, testing, and analysis of mercury in Kentucky. A final report was issued on September 29, 2006, signed by each cabinet. The outcome was it clarified the roles of each agency. It evaluated communication tools for effectiveness and made partners with other agencies.

In the future the task force would like to:

- Reduce non-essential mercury use
- Evaluate methods to document actions being taken by Kentucky agencies
- Evaluate national, state, and local efforts to reduce mercury impact
- Identify best methods for reducing sources of mercury in Kentucky and impacts on the environment
- Continue to monitor fish tissue levels, consumption trends, and commercial fish levels
- Continue efforts to help facilitate mercury collection programs in Kentucky

- Continue to get more and better information out, upgrade websites and continue to get good recommendations from everybody

Commissioner Smith asked if Mr. Delius and Mr. Taylor feel the Task Force has responded to the EQC recommendations and was assured that they do feel the recommendations have been addressed.

OTHER BUSINESS

Earth Day Awards – (Johnna McHugh) The Earth Day Awards Ceremony is on April 17, 2009. In order to get great recipients they must be nominated. She informed the commissioners that they can use the nomination forms in the back of their notebooks or they can fill them out electronically.

Newsletter – (Arnita Gadson) We are considering possibly producing a newsletter. She asked what information the commissioners would like to see in it.

Commendation Letters – (Arnita Gadson) It was brought to Ms. Gadson's attention that those companies that do really great things could receive a letter of accommodation from the Commission. The commissioners were asked to think about that and let her know if they would like support such letters.

Letters of Support – (Arnita Gadson) The Master of Science program at Kentucky State University would like the EQC to possibly write a letter of support for the program. Ms. Gadson had a brochure, but the details of the program are still in draft.

Web site – (Arnita Gadson) Changing system in January so we will not make changes to the site at this time.

Future meetings - (Johnna McHugh) The next meeting is on January 29, 2009, so have agenda items submitted by December 29, 2008.

Executive Director Gadson: Do we need a special session?

Commissioner Scott: No.

Ms. McHugh: There are a lot of regulations at this time. If you are going to vote on them, you need to call a special meeting.

Commissioner Garner: We can discuss via conference call.

With no further business, Commissioner Garner moved to adjourn the meeting. Commissioner Ernest seconded, and the meeting was adjourned at 10:00 p.m.

Signed,

Scott Smith, EQC Chair
January 29, 2009